

May 2, 1997

File Reference: FID# _____
_____ County
HW _____ file

NAME
ADDRESS
CITY, WI ZIP

SUBJECT: _____

Dear _____:

The Wisconsin Department of Natural Resources has identified COMPANY NAME as a potentially responsible party that may have released a hazardous waste at NAME AND ADDRESS OR LOCATION OF AFFECTED COMPANY. FACILITY OR PROPERTY. Wisconsin. This allegation is based on information obtained during a CHOOSE ONE: compliance evaluation inspection OR complaint follow-up. The purpose of this letter is to make sure you know your responsibilities under the law and act accordingly; explain what you need to do to investigate and clean up the contamination; provide you with information about cleanups and environmental consultants; and assist you in working cooperatively with the Department.

The Department enforces state requirements for the clean up and closure of unauthorized hazardous waste contamination sites under section 291.29, Wis. Stats. Anyone who disposes of hazardous waste at an unapproved location or otherwise operates a hazardous waste facility without a license from the Department must submit a plan for Department review and approval to investigate the degree and extent of contamination; clean up and close the hazardous waste site; remove all wastes, all waste constituents and all environmental contamination. Under section 291.37, Wis. Stats., the Department also may require corrective action where a release of a hazardous constituent has occurred from a solid waste management unit at a hazardous waste facility.

Even though the hazardous waste investigation and cleanup statutes may apply, the Department at this time is offering you the opportunity to voluntarily investigate and clean up the identified contamination, along with any other contamination at the site. Chapters NR 700 through 728, Wis. Adm. Code, provide direction and continuity in the remediation of land and groundwater contaminated by hazardous substances (which includes hazardous wastes and hazardous constituents). These rules establish requirements for emergency and interim actions, public information, site investigation, design and operation of a remedial action system, and case closure. Chapter NR 140, Wis. Adm. Code, establishes groundwater quality standards, and ch. NR 720, Wis. Adm. Code, establishes procedures to determine soil clean-up standards.

If you adequately address the alleged contamination at LOCATION by voluntarily following the rules identified above, the Department will not take action to compel the submittal and implementation of a hazardous waste closure plan or impose corrective action requirements for this contamination under its statutory hazardous waste authority.

Case Information:

[CONCISELY DESCRIBE THE CASE AND THE BASIS OF THE EVIDENCE: EXAMPLE 1: On DATE,
the Department investigated a complaint at FACILITY NAME, located at ADDRESS, CITY,
Wisconsin. The purpose of the investigation was to determine the validity of a complaint alleging
DESCRIBE THE ALLEGED ACTIVITY. The Department's initial investigation showed DESCRIBE
WHAT WAS FOUND AT SITE, E.G. BROKEN DRUMS, STAINED SOIL, ETC. Samples collected on

DATE were analyzed for PARAMETERS, and the results are as follows: DESCRIBE RESULTS IN SOIL, GROUNDWATER, OTHER MEDIA, ETC.

EXAMPLE 2: On DATE, the Department conducted a compliance evaluation inspection at FACILITY NAME, located at ADDRESS, CITY, Wisconsin. The purpose of the inspection was to review FACILITY'S compliance with the hazardous waste management requirements. During the inspection, the following was observed: DESCRIBE WHAT WAS FOUND AT SITE. E.G., BROKEN DRUMS, STAINED SOIL, ETC. Samples were collected on DATE were analyzed for PARAMETERS, and the results are as follows: DESCRIBE RESULTS IN SOIL, GROUNDWATER, OTHER MEDIA, ETC. The source of this contamination appears to be from DESCRIBE LISTED AND/OR CHARACTERISTIC hazardous wastes.]

[NOTE TO THE AUTHOR: YOU MAY WISH TO IDENTIFY ANY HAZARDOUS WASTE VIOLATIONS DETECTED DURING THE INSPECTION IN THIS LETTER OR IN A SEPARATE LETTER. IF YOU USE A DIFFERENT LETTER, INFORM THE FACILITY THAT YOU WILL BE SENDING OR HAVE ALREADY SENT A SEPARATE LETTER IDENTIFYING ALLEGED HAZARDOUS WASTE VIOLATIONS.]

Steps to Take:

The longer contamination remains in the environment, the farther it may spread and the more difficult it may be to clean up. To ensure that your investigation and cleanup are consistent with Wisconsin's environmental regulations, you should hire a qualified environmental consultant. These are the first steps to take to qualify for a voluntary clean up:

1. Within 14 days of the date of this letter, submit to the Department written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this time frame.
2. Within 45 days of the date of this letter, your consultant should submit on your behalf a work plan and schedule for conducting the investigation. The consultant should follow ch. NR 716, Wis. Adm. Code, and any applicable technical guidance documents. Include with your work plan a copy of any previously completed investigation or remediation work done at the site.
3. Keep the Department informed about what is being done at your site. You or your consultant should provide the Department with a brief report every 90 days, starting after the work plan is submitted. These quarterly reports should summarize the work completed since the previous report. Quarterly reports should include only a few pages of text accompanied by any pertinent maps, tables, and analytical results. Please note that if conditions at your site warrant more frequent contacts with the Department, you will receive a letter from the Department spelling out the need for more frequent contacts or reporting. You will also receive one annual site status report form in MONTH.
4. When the site investigation is complete, your consultant should submit a full report on the degree and extent of contamination and a cleanup proposal (refer to chs. NR 722 and 724, Wis. Adm. Code).
5. All correspondence to the Department should be identified with the file reference information given in the upper right corner of first page of this letter: FID#_____, _____ County, HW_____ file.
6. Direct reports and correspondence to: GIVE NAME AND ADDRESS OF APPROPRIATE DNR STAFF PERSON.

The time frame above allows you to hire an environmental consultant, develop a work plan, and implement the required work more quickly than would be the case if compulsory hazardous waste closure or corrective action authorities were used. Timely, voluntary investigation and remediation does not excuse past or future hazardous waste violations, but the Department recognizes that hazardous waste closure submittals or hazardous waste corrective action will not be necessary *and for facilities subject to hazardous waste corrective action requirements, proof of financial responsibility for completing corrective measures will probably not be required* if the responsible party voluntarily follows the NR 700 rules series and qualifies for case close-out under ch. NR 726, Wis. Adm. Code, sooner than would be required under applicable hazardous waste authority.

Additional Information:

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. Also enclosed are materials on understanding the cleanup process and choosing a cleanup method. This information has been prepared to help you understand what your options are and what your consultant needs to do. Please review this information carefully.

You may obtain copies of the administrative codes and statutes mentioned in this letter from Document Sales, Wisconsin Department of Administration, P.O. Box 7849, Madison WI 53707. Call 608-266-3358 or 1-800-362-7253 for credit card orders.

In offering you this opportunity act voluntarily, please understand that the Department is not waiving its right to require a hazardous waste closure plan or to impose corrective action requirements, nor is it waiving its right to seek civil forfeitures or criminal penalties from you for any hazardous waste violations. We are simply offering you the opportunity to work with us to investigate and clean up the release in a cooperative, expedient manner. Our goal is to restore the environment with your cooperation.

We look forward to your cooperation. If you have any questions regarding this letter, please call me at PHONE NUMBER.

Sincerely,

SIGNATURE BLOCK

Enc:

Selecting An Environmental Consultant
Environmental Services Contractors List
Quarterly Updates for Cleanup of Contaminated Properties

cc: [Regional Remediation Team Leader]
[Regional Waste Team Leader]